

1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF WISCONSIN

3 -----

4 M.J.J.,

5 Plaintiff

6 vs. Civil Action No. 15-cv-433-wmc

7 POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.

8 CHRISTENSEN,

9 Defendants,

10 and

11 WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,

12 Intervenor.

13 -----

14 J.K.J.,

15 Plaintiff,

16 vs. Civil Action No. 15-cv-428-wmc

17 POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.

18 CHRISTENSEN,

19 Defendants,

20 and

21 WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,

22 Intervenor.

23 -----

24 DEPOSITION OF

25 BRAD HOMPE

JULY 15, 2016

1:00 P.M.

JEAN DILLON COURT REPORTING, INC., (763) 519-0222

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EXHIBITS

DEPOSITION EXHIBITS:	PAGE MARKED
15. Inmate Handbook.	3

(Exhibit Number 15 has been marked.)

(The original transcript is in the possession
of Mr. Weidner.)

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1 DEPOSITION OF Brad Hompe, taken on the 15th

2 day of July, 2016, commencing at 1:00 p.m., at Chippewa

3 County Courthouse, 711 North Bridge Street, Room 227,

Chippewa Falls, Wisconsin, before Jean Dillon,

Professional Reporter and Notary Public.

APPEARANCES

5 MR. THOMAS J. WEIDNER and

6 Attorney at Law, from the law firm of ECKBERG

7 LAMMERS, P.C., 1809 Northwestern Avenue,

8 Stillwater, Minnesota, 55082, appeared as counsel

for and on behalf of the Plaintiffs. Present via

telephone conference was Lida Bannink.

9 MR. PAUL CRANLEY, Attorney at Law,

10 from the law firm of WHYTE HIRSCHBOECK DUDEK,

11 S.C., 33 East Main Street, #300, Madison,

Wisconsin, 53701, appeared as counsel for and on

behalf of the Polk County Sheriff's Department.

12 MR. MARTIN J. DE VRIES, Attorney at

13 Law, from the law firm of SAGER & COLWIN LAW

14 OFFICES, S.C., 201 South Marr Street,

15 Fond du Lac, Wisconsin, 54936, appeared as

counsel for and on behalf of Darryl Christensen,

present via telephone.

16 MS. LORI M. LUBINSKY, Attorney at

17 Law, from the law firm of AXLEY BRYNELSON, LLP,

18 PO Box 1767, Madison, Wisconsin, 53701, appeared

as counsel for and on behalf of Wisconsin County

Mutual Insurance Company, present via telephone.

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1 Brad Hompe, having been first duly sworn, was

2 examined and testified as follows:

EXAMINATION

7 BY MR. WEIDNER:

8 Q Sir, my name is Tom Weidner. I represent several

9 plaintiffs in a case against Polk County, I think

10 you're aware of that. Is that fair to say?

11 A Yes.

12 Q All right. Sir, how do we pronounce your name?

13 A Hompe, H-O-M-P-E.

14 Q And could you tell us -- you've had your

15 deposition taken before. Correct?

16 A Yes.

17 Q You understand how this works?

18 A Yes.

19 Q All right. If you don't understand one of my

20 questions, please let me know and I'll be glad to

21 rephrase it. Okay?

22 A Okay.

23 Q Can you tell us first, what you currently do for

24 employment?

25 A I'm a Detention Facility Specialist, lay term,

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1 **jail inspector for the state of Wisconsin.**
2 Q How long have you been doing that?
3 A **I've been in this position since 2009. I've been**
4 **with the department since 1995.**
5 Q Why don't you give us a summary of what you've
6 done since 1985.
7 A **I have been a correctional officer, a sergeant, a**
8 **lieutenant, a captain, unit manager, a deputy**
9 **warden, a warden and this position.**
10 Q All right. Let's take it back to when you first
11 started in 1995. You started as a --
12 A **Correctional officer.**
13 Q As a correctional officer where?
14 A **Winnebago Correctional Center.**
15 Q You had some promotions. Is that correct?
16 A **Correct.**
17 Q You went from sergeant --
18 A **To sergeant at Kettle Moraine Correctional.**
19 Q How long were you there?
20 A **1997, I believe.**
21 Q I'm not familiar with that facility. What is that
22 facility?
23 A **Medium security jail.**
24 Q Is it a state facility or is it a county facility?
25 A **Yes. These are all state prisons.**

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1 Q All right. And you were at, is it Kettle Moraine?
2 A **Kettle Moraine from -- sometime right away. I was**
3 **promoted in six months. So I was there from '95**
4 **to '97, thereabouts.**
5 Q And then where?
6 A **Waupun Correctional Institution, which is a**
7 **maximum male.**
8 Q When were you at Waupun?
9 A **'97 to '99.**
10 Q And what was your job there?
11 A **Lieutenant.**
12 Q What was your next position?
13 A **Captain, at Taycheedah Correctional Institution.**
14 Q Taycheedah is a female --
15 A **Female, yes.**
16 Q When were you at Taycheedah?
17 A **Captain.**
18 Q When?
19 A **'99 to 2000. One year exactly.**
20 Q After 2000, where did you go?
21 A **Wisconsin Secure Program Facility.**
22 Q What's that?
23 A **Known as our Super Max in Wisconsin.**
24 Q All right. What did you do there?
25 A **I was a captain for a few months and then became a**

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1 **unit manager.**
2 Q Okay. How long were you a unit manager at the
3 Super Max?
4 A **Until April of 2004. I can't give you the exact**
5 **time, but that's when I left.**
6 Q What did you do after April of 2004?
7 A **Deputy warden at Racine Correction.**
8 Q You've pretty much seen most of the correctional
9 facilities in the state or worked at them.
10 Correct?
11 A **Yes, I have.**
12 Q Deputy warden at Racine?
13 A **Yes.**
14 Q All right. How long did you do that?
15 A **2007. At some point I was transferred to deputy**
16 **warden at Stanley Correctional.**
17 Q All right.
18 A **Two weeks there and I was reassigned to the warden**
19 **position there.**
20 Q In 2007?
21 A **Yep.**
22 Q Okay. So you were warden from 2007 until when?
23 A **2009, I was again reassigned to the deputy warden**
24 **at Red Granite Institution. And both of those**
25 **were medium male. And I was only there for six**

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1 **months when I took this position.**
2 Q And that is the jail inspector position?
3 A **Yes.**
4 Q Detention facility specialist?
5 A **Yes.**
6 Q All right. And have you been in this position
7 ever since?
8 A **Yes.**
9 Q Generally, what are your duties as a detention
10 facility specialist?
11 A **Well, we have to inspect each facility once per**
12 **year minimum. Issue an inspection report. We**
13 **also provide technical assistance throughout the**
14 **year, whether that may be policy assistance or**
15 **training or just making them up with appropriate**
16 **services made from the National Institute of**
17 **Corrections. We also get complaints from inmates,**
18 **investigate and answer those. We do administrator**
19 **reviews of suicides, deaths or other significant**
20 **incidents. We also have to be involved in any**
21 **construction, whether it's remodeling or new**
22 **construction and approve those plans and approve**
23 **occupancy of the jails.**
24 Q All right.
25 A **That kind of sums it up.**

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1 Q Do you have a certain territory?
 2 A **Yes.**
 3 Q Since 2009, have you always had the same
 4 territory?
 5 A **Yes.**
 6 Q What territory is that?
 7 A **The western region is what we refer to it as.**
 8 Q The western region of Wisconsin?
 9 A **Yes.**
 10 Q What geographic territory is that? And I
 11 understand it's the western portion of the state.
 12 A **I run all the way from Douglas County, which is**
 13 **Superior, Wisconsin, all the way south to LaCrosse**
 14 **County.**
 15 Q How many facilities is that?
 16 A **That's 17 county jails, three juvenile detention**
 17 **centers.**
 18 Q Are there any state facilities in those?
 19 A **There is in the region, but I don't have anything**
 20 **to do with those.**
 21 Q How come?
 22 A **It's not under our purview.**
 23 Q So the detention facility specialist is just
 24 county jails?
 25 A **Correct.**

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1 Q But do you -- who is your employer?
 2 A **Department of Corrections.**
 3 Q Is there a separate facility specialist for
 4 prisons?
 5 A **No. They actually take care of their own. They**
 6 **inspect themselves.**
 7 Q In the position that you've had since 1995, when
 8 you first started as a correction officer, they
 9 were all in prison settings. Correct?
 10 A **Yes.**
 11 Q Did you have any experience working in county
 12 jails?
 13 A **No.**
 14 Q You said there's an annual inspection?
 15 A **Yes.**
 16 Q And Polk County is one of those facilities that
 17 you inspect. Is that correct?
 18 A **Yes.**
 19 Q Have you done annual inspections of Polk County
 20 Jail since 2009?
 21 A **Yes.**
 22 Q You did provide me, when you came here today, some
 23 documentation from each of those inspections. Is
 24 that correct?
 25 A **Yes.**

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1 Q And that would be from 2009 and every subsequent
 2 year up to 2016?
 3 A **Correct. I don't know if I did the 2009**
 4 **inspection.**
 5 Q I don't know. I'm handing you what seems to be
 6 the 2009 inspection.
 7 A **Yeah. This was done by a different inspector.**
 8 Q All right. So when you were hired -- so the
 9 inspections that you did were from 2010 and
 10 forward?
 11 A **Correct.**
 12 Q As I look at this Jail Inspection Report, it looks
 13 like they changed over time.
 14 A **Yes.**
 15 Q And how would -- in looking at the 2010 report, it
 16 appears that it is more significant in questions
 17 or detail than the 2009 report. Is that fair to
 18 say?
 19 A **Yes.**
 20 Q And when I talk about that, it looks like there's
 21 a summary that is prepared by the inspector on the
 22 first several pages, and then it looks like there
 23 is a form that is attached to that.
 24 A **Yes.**
 25 Q Did you have anything to do with changing the form

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1 from the 2009 inspection to the 2010 inspection?
 2 A **No.**
 3 Q Was that mandated by the state?
 4 A **It was a decision by our office from our**
 5 **supervisor.**
 6 Q Where did you get this form? Do you know, where
 7 did your office obtain the form that was starting
 8 to be used in 2010?
 9 A **It's my understanding it was developed by the**
 10 **inspectors in the unit, based off the**
 11 **administrator code.**
 12 Q Did you have a hand in preparing this document?
 13 A **Not the one used in 2010. It also switched again**
 14 **in 2015 or '16, which I did.**
 15 Q All right. It was in 2010 it looks like it was a
 16 23, 25 -- it's a 25 page document. Just tell me
 17 generally what the change was from 2010's form to
 18 2015, if you recall?
 19 A **The administrative code was updated, so we had to**
 20 **update the form to include all the provisions that**
 21 **were in the code.**
 22 Q What are you talking about, the Administrative
 23 Code?
 24 A **It's the code that governs jails, as far as**
 25 **standards.**

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1 Q Is that a Wisconsin Administrative Code?

2 A **Yes. Chapter -- it's Wisconsin DOC 350.**

3 Q You also refer to NIC policies or National

4 Institute of Corrections. Is that correct?

5 A **Yes.**

6 Q What is that?

7 A **National Institute of Corrections is a division**

8 **under the Federal Bureau of Prisons that provides**

9 **technical assistance to county jails.**

10 Q This is new to me. Tell me what technical

11 assistance means.

12 A **They would provide a multitude of things. They**

13 **would provide training, either onsite or have**

14 **people come to them. They have resource**

15 **materials, training materials.**

16 Q Resource materials, like what?

17 A **Pretty much any topic that has to do with jails,**

18 **they would be able to provide you with. Whether**

19 **it's classification, inmate supervision, direct**

20 **supervision, jail administrator practices.**

21 Q Training manuals. You talked about training

22 materials, excuse me.

23 A **Training materials.**

24 Q Is that what you're talking about, resource

25 materials and training materials, are they the

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1 same?

2 A **Yes.**

3 Q All right. Were any of those regarding PREA?

4 A **They have them. Yes.**

5 Q Have you seen any -- and you know what I'm talking

6 about with PREA. Correct?

7 A **Yes.**

8 Q PREA is an acronym for what?

9 A **Prison Rape Elimination Act.**

10 Q Is that also found in the National Institute of

11 Corrections?

12 A **Yes. They have resources for that.**

13 Q And that was the Federal Bureau of Prisons that

14 developed that? Do you recall?

15 A **Developed?**

16 Q PREA.

17 A **No. PREA --**

18 Q Tell me what you know about PREA and its

19 development.

20 A **It's a federal act.**

21 Q A federal law?

22 A **It's a federal act.**

23 Q What is a federal act as opposed to a federal law?

24 A **Good question. I couldn't answer that.**

25 Q Tell me about PREA.

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1 A **It's a federal act that -- I don't exactly**

2 **remember the date it came down. It includes**

3 **standards to be followed if you're going to be**

4 **compliant with the PREA Act, I believe it's**

5 **mandatory for state facilities and the penalty of**

6 **loss of funding. I do not believe it's mandatory**

7 **for state or excuse me, county jails.**

8 Q Why is that? Why don't you believe that?

9 A **Because they have no loss of funding. The only**

10 **way they enforce the act is through taking away**

11 **federal funds.**

12 Q So it may be mandatory, but it's not enforceable?

13 Is that what you're saying?

14 MR. CRANLEY: I object to the form.

15 BY MR. WEIDNER:

16 Q You can answer.

17 A **Possibly. I guess I really can't answer that. I**

18 **can only tell you what my understanding of it is.**

19 Q So what you're -- tell me more about your

20 understanding of it.

21 A **What I've explained to the jails is it's a federal**

22 **act, there's standards out there. We certainly**

23 **encourage them to look at the standards, and**

24 **implement what they can.**

25 Q Okay.

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1 A **PREA compliance does not fall under our**

2 **jurisdiction, so I can't force it upon them or**

3 **find them noncompliant. So their compliance at**

4 **this time is voluntary or on their own decision.**

5 Q Voluntary meaning -- what do you mean by

6 voluntary?

7 A **As far as from us, the Department of Corrections,**

8 **we don't dictate it. As far as their being in**

9 **compliance with the federal act, I don't know if**

10 **there's any ramifications for that.**

11 Q Leaving ramifications aside, when you mean

12 ramifications, do you mean penalty to the facility

13 for not complying?

14 A **Correct.**

15 Q So it may be required of those jails? You don't

16 know?

17 MR. CRANLEY: I object to the form. Asked

18 and answered. Foundation.

19 THE WITNESS: I really don't know the answer

20 to that.

21 BY MR. WEIDNER:

22 Q That's what I'm getting to. You know it applies

23 to certain facilities, state facilities. Right?

24 A **Correct.**

25 Q And you know it applies to federal facilities.

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1 Correct?

2 **A Yes.**

3 **Q** But you don't know whether or not it is mandatory

4 compliance for jails?

5 **A Right. I know it applies to them, but not**

6 **necessarily mandatory. There are standards that**

7 **include the jails. So it's written for jails.**

8 **Q** And the standards that included the jails, tell me

9 what you know about those.

10 **A Basically I know they exist. I could recite some**

11 **of them, but for me they're basically a reference**

12 **at this point, like any other standards.**

13 **Q** What do you mean by that?

14 **A Well, the American Correctional Association, they**

15 **have standards. The NCCAC, National Commission on**

16 **Correctional Health, they have standards. We**

17 **always reference those as correctional best**

18 **practice. So we obviously would look at them when**

19 **we're looking at how jails should operate.**

20 **Q** Has there been a discussion amongst your detention

21 facility specialist throughout the state about

22 looking at jail compliance with PREA? Has there

23 ever been a general discussion about that?

24 **A I would say yes.**

25 **Q** Tell me about that general discussion, if you

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18

1 would.

2 **A The discussion has been basically that we do not**

3 **have statutory oversight. So it's not included in**

4 **our code and it's not included in our inspection**

5 **document. We have provided resources to people in**

6 **regards to PREA, but as far as compliance or**

7 **oversight, nothing.**

8 **Q** Is that -- what sort of resources do you provide

9 or make available to the jails that you inspect,

10 including Polk County, regarding PREA?

11 **A Those resources were made available to us. I**

12 **believe it was a technical assistance grant that**

13 **the state got. And we gave the jails, if they**

14 **wanted them, there were posters that they could**

15 **post in their jails, zero tolerance for sexual**

16 **abuse. We developed a training PowerPoint for**

17 **PREA, and I don't recall all of the components,**

18 **but one of the components was staff training that**

19 **they could utilize if they chose to do so.**

20 **Q** Do you know when these were developed?

21 **A I could not give you the date. My supervisor was**

22 **heavily involved in that and she would have**

23 **intimate details on that.**

24 **Q** What's her name?

25 **A Kristin Dietz.**

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1 **Q** K-R-I-S-T-I-N?

2 **A Yes. D-I-E-T-Z.**

3 **Q** Did any of the other -- did Polk County -- let me

4 back up. Strike all of that.

5 Did Polk County Jail ask for the training

6 PowerPoint for PREA?

7 **A I don't know the answer to that, if they asked for**

8 **it. They were all made aware of it, that it was**

9 **available and where it was -- they could access it**

10 **actually from WILENET training website.**

11 **Q** Can you tell me what that is again?

12 **A It's a website administered by the Department of**

13 **Justice. They have a portal for jails and jail**

14 **training. So they put it in there so anybody who**

15 **wants to access it can access it.**

16 **Q** What is WILE? It's an acronym, I am assuming.

17 **A I couldn't answer that. We always just know it as**

18 **WILE.**

19 **Q** Do you know how to spell it?

20 **A Yeah. Just W-I-L-I Net (sic).**

21 **Q** Thank you.

22 **A I think it's Wisconsin Law Enforcement Network or**

23 **something like that.**

24 **Q** I kind of understand now. Not Wiley Coyote.

25 All right. Posters, do you know what the

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1 content of the posters is?

2 **A Not exactly, but in general, they were basically**

3 **zero tolerance for sexual abuse.**

4 **Q** And were they posters designed to be read by

5 inmates or were they posters designed to be read

6 by staff or both?

7 **A All of the above.**

8 **Q** Were there individual posters for inmates?

9 **A Yes, if they chose to post them there. Some jails**

10 **post them all over the place and some don't post**

11 **them anywhere.**

12 **Q** Polk County is one of those that doesn't post them

13 anywhere. Is that right?

14 **A I don't know. I haven't --**

15 **Q** I took the deposition of Captain Nargis and he

16 doesn't -- we were told he doesn't put posters up.

17 He's afraid of tunneling behind the posters,

18 because he saw it on a movie one time. Were you

19 aware of that?

20 **A No.**

21 **Q** That sounds pretty ridiculous, doesn't it?

22 MR. CRANLEY: Objection to the form.

23 BY MR. WEIDNER:

24 **Q** Let me ask you this; does that sound a little

25 ridiculous?

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1 **A I mean, it can happen, but I mean placing posters**
2 **in the jail is common.**

3 **Q** He referenced, I think, Shawshank Redemption was
4 his reference as to a security breach as being
5 possible. Have you seen the movie?

6 **A Yes.**

7 **Q** The training PowerPoint, have you reviewed the
8 training PowerPoint on PREA?

9 **A Yes.**

10 **Q** How long is that training PowerPoint?

11 **A There are several, and I could not answer that. I**
12 **haven't recently, so I don't want to give you a**
13 **number and be wrong.**

14 **Q** Okay.

15 **A Certainly that could be made available.**

16 **Q** And that is through -- you can pull it up on WILE?

17 **A Yes.**

18 **Q** In front of you is what has been marked as Hompe
19 Deposition 15 and there's a series of them. You
20 had the opportunity to look at that right before
21 this deposition. Correct?

22 **A Yes.**

23 **Q** I set it in front of you and I didn't ask you to
24 read it. Fair?

25 **A Correct.**

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22

1 **Q** But you started paging through it once it was set
2 in front of you?

3 **A Correct.**

4 **Q** Have you seen that Inmate Handbook before? I'm
5 told that is the Polk County Jail Inmate Handbook
6 and we were told that by Sergeant -- excuse me,
7 Captain Nargis. Have you seen that document?

8 **A I have seen their handbook and I don't know if**
9 **this has been revised since. This appears to be**
10 **their handbook.**

11 **Q** Is part of your job to review the handbook and the
12 contents of the handbook?

13 **A I just need to make sure they have a handbook.**
14 **What's in the handbook is really up to them. I**
15 **may make recommendations, but their rules are --**
16 **their handbook content is really up to the jail.**

17 **Q** Do you recall whether or not you reviewed this
18 handbook for its content and made comments on it
19 at any time between 2010 and present?

20 **A I don't.**

21 **Q** And you looked over at this pile here of reports.
22 Would that have been a suggestion that you would
23 have written in your Department of Corrections
24 Report, Jail Inspection Annual Report?

25 **A It could be.**

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23

1 **Q** All right. You were paging through this handbook
2 right before the deposition, and I saw you stopped
3 at a certain section and read that section. Is
4 that fair?

5 **A Yes.**

6 **Q** You didn't stop at any other section, but you
7 stopped at the one section in there. Is that fair
8 to say?

9 **A Yes.**

10 **Q** What section was that?

11 **A It was a PREA notification.**

12 **Q** Does it say anywhere on there the words PREA?

13 **A It does not.**

14 **Q** All right. So how is that identified as a PREA
15 notification?

16 **A I just recognized the language from being typical**
17 **language that it's been recommended that we share**
18 **with inmates.**

19 MR. CRANLEY: Can we identify what language
20 you're talking about in Exhibit 15?

21 BY MR. WEIDNER:

22 **Q** I was just about to. I had to grab my glasses
23 first.

24 You're talking about page 10 of 12?

25 **A Correct.**

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24

1 **Q** Is that -- and it's on the bottom portion after
2 Grievance Policy. Is that correct?

3 **A Yes.**

4 **Q** There's actually no heading for that, above that.
5 Is that correct?

6 **A Correct.**

7 **Q** When you say you recognized the language, how is
8 it that you recognized that language as being PREA
9 language?

10 **A One of the standards is that inmates are notified**
11 **and we have shared with the jail administrators**
12 **and I believe they have gotten it electronically,**
13 **but for sure verbally it's been recommended they**
14 **put the statement in the handbook and make sure**
15 **the inmates are notified of their ability to**
16 **report.**

17 **Q** Now, is that -- the language in that, that you're
18 referring to on the bottom of page 10, there's one
19 paragraph. Is that correct?

20 **A Correct.**

21 **Q** And that paragraph is presumed to be reported in
22 Spanish. Is that correct?

23 **A Yes.**

24 **Q** So because I don't speak Spanish, I'm assuming it
25 says the same thing. Is the PREA notification

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25

1 language one paragraph in PREA?
 2 MR. CRANLEY: I object to the form.
 3 THE WITNESS: The basic notice, maybe.
 4 Certainly they could expound upon it. I've seen
 5 more in depth, but it's again, up to what the
 6 facility chose to put in there.
 7 BY MR. WEIDNER:
 8 Q And that's a facility choice?
 9 A Yes.
 10 Q And with regard to the notice that PREA is offered
 11 or is identified in PREA, the total language is
 12 what you make available to the jails. Is that
 13 correct?
 14 MR. CRANLEY: I object to the form.
 15 THE WITNESS: I guess I don't understand the
 16 question.
 17 BY MR. WEIDNER:
 18 Q You said that you make certain you share
 19 recommendations.
 20 A Yes.
 21 Q And do you share only that language recommendation
 22 or do you show the expanded notice from PREA as a
 23 recommendation?
 24 A **We would have given them the whole -- the entire**
 25 **-- whatever we had, we would have given it to**
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1 **them. I can't recite what is on that, but we'd**
 2 **give them the whole thing.**
 3 Q Well, it's fair to say that's not the whole
 4 language from PREA notification. Correct?
 5 A Yes.
 6 Q So someone at the Polk County Jail made the
 7 decision to only include that one paragraph as
 8 notification. Is that correct?
 9 A Yes.
 10 Q Do you know who that person was?
 11 A **I don't. I assume either the jail administrator**
 12 **or the sheriff would have the final oversight.**
 13 Q Who is the jail administrator?
 14 A **Scott Nargis.**
 15 Q Do you know Scott?
 16 A Yes.
 17 Q I'm sorry, I should have said Mr. Nargis.
 18 MR. CRANLEY: Captain.
 19 BY MR. WEIDNER:
 20 Q Or Mr. Nargis. Do you know Captain Nargis?
 21 A Yes.
 22 Q Are you -- do you have a relationship with Mr.
 23 Nargis outside of your professional relationship?
 24 A No.
 25 Q You're not friends or you don't hang out?
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1 A No.
 2 Q Had you ever provided any training for the Polk
 3 County corrections officers?
 4 A **Not that I recall.**
 5 Q Have you ever been requested by Captain Nargis to
 6 provide any training to the Polk County correction
 7 officers?
 8 A **Not that I recall.**
 9 Q Do you do that on occasion?
 10 A Yes.
 11 Q Do you have other jails or county jails or
 12 facilities that have asked you to provide
 13 training?
 14 A Yes.
 15 Q In what areas?
 16 A **It varies. Suicide prevention is the common**
 17 **topic. Avoiding inmate**
 18 **manipulation/professionalism has been another one.**
 19 Q Any others?
 20 A **I think that's all I've given directly to the**
 21 **jails.**
 22 Q So can you explain to me, if you would, sir, what
 23 inmate manipulation training means?
 24 A **It's basically a professionalism class that**
 25 **focuses around avoiding any type of inappropriate**
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1 **or too close of conversations with inmates that**
 2 **would lead to relationships, that may lead to**
 3 **inmates knowing things that they don't need to**
 4 **know about people. An example would be, you**
 5 **simply don't discuss where you're going on**
 6 **vacation or you don't discuss what your kids do,**
 7 **whether they're involved with soccer, et cetera.**
 8 **You just keep it professional and keep your**
 9 **personal outside life outside the jail.**
 10 Q Inmate manipulation training is to try to avoid
 11 situations like we're here for. Correct?
 12 A **Possibly, yes.**
 13 Q Partially?
 14 A Yes.
 15 Q Tell me about your educational background, if you
 16 would.
 17 A **I have a Bachelor Degree in Criminal Justice with**
 18 **a minor in Psychology and a Master's Degree in**
 19 **Public Administration.**
 20 Q When did you get the Master's?
 21 A **I don't recall exactly. Between 2002 or '04,**
 22 **somewhere in there.**
 23 Q So it's something that you've been working on
 24 professionally while you've been working within
 25 the Department of Corrections?
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1 **A Yes.**
2 **Q** And where did you get that degree from?
3 **A UW-Oshkosh.**
4 **Q** Did you ever train Captain Nargis at the Polk
5 County Jail on the requirements of PREA?
6 **A No.**
7 **Q** Did you ever advise him on what to put -- him
8 meaning Captain Nargis, on what to put in his
9 handbook on PREA?
10 **A Not specifically.**
11 **Q** Did you ever train him or inform him of the basics
12 of PREA that he needed to teach to his
13 correctional officers?
14 **A We made him aware of the standards and the**
15 **training, but as far as what he chose to train his**
16 **officers in, we didn't dictate that.**
17 **Q** You used the word, we, who are we?
18 **A The Department of Corrections.**
19 **Q** And does the Department of Corrections, when you
20 say -- I'm going to differentiate between the
21 Department of Corrections and yourself, sir.
22 Okay?
23 **A Okay.**
24 **Q** When you say the Department of Corrections made
25 him aware of the standards, how is it that the
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1 Department of Corrections made Captain Nargis
2 aware of the standards of PREA?
3 **A Through email.**
4 **Q** Can you describe for me, sir, if you would, what a
5 typical email to make someone aware of what those
6 standards would be?
7 **A There's been several emails on the topic since it**
8 **became an act. Primarily from my supervisor,**
9 **again, Kristi Dietz, she shared many PREA emails**
10 **with the jail administrator group. And one of**
11 **them, as I recall, was a reference to the**
12 **standards and where they can find the standards.**
13 **Q** Do you know when PREA was finally enacted?
14 **A Not off the top of my head.**
15 **Q** Do you know approximately?
16 **A 2010-ish, maybe '12. I don't recall exactly.**
17 **Q** Did you send out those emails or did Ms. Dietz
18 sends out those emails?
19 **A I don't believe if I would have forwarded them.**
20 **For sure she would have sent them out.**
21 **Q** Would they have originated from Ms. Dietz?
22 **A Yes.**
23 **Q** You talk about a jail administrator's group, tell
24 me about the jail administrator's group, if you
25 would.

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1 **A Well, like I said, I have 17 counties and I get**
2 **those jail administrators together and we meet**
3 **periodically and discuss kind of recent events and**
4 **issues people are having, best practices. So I**
5 **kind of refer to them as the group.**
6 **Q** And it would be -- would there be -- there's a
7 better word for it, other than chat room, but is
8 it sort of a space where everyone can communicate
9 about different issues?
10 **A They have that as well, that's separate from the**
11 **meeting.**
12 **Q** I think it's also a term as a List Serve?
13 **A Correct. I believe it's a service from Yahoo.**
14 **Q** Do you ever lead discussions on that List Serve?
15 **A I do not.**
16 **Q** Are you part of that List Serve?
17 **A I am.**
18 **Q** As being part of that List Serve, do you at times
19 weigh in if you see a conversation going afoul
20 from what your standards for the Wisconsin jails
21 are?
22 **A I personally do not. My choice.**
23 **Q** So you're there, but do not participate in any
24 other way?
25 **A Correct.**
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1 **Q** Have you ever met Mr. Cranley before?
2 **A No.**
3 **Q** Tell me about what you did to prepare for this
4 deposition.
5 **A Absolutely nothing.**
6 **Q** Have you talked to Captain Nargis about his
7 deposition?
8 **A No.**
9 **Q** Do you have any idea what the content of his
10 deposition was?
11 **A No.**
12 **Q** You did provide me with about six years or
13 something, seven years of inspections, but that
14 was given to you by someone else to bring here?
15 **A Yes. I was served two days ago. I saw on there**
16 **that I happened to catch there was a request to**
17 **bring those, so I provided that to my supervisors**
18 **and said, what do you want me to take and that's**
19 **what they gave me.**
20 **Q** And I appreciate you making yourself available for
21 this. There was confusion on exception of
22 service, whether it was voluntary or whether we
23 had to have it served. That was an error in my
24 office.
25 **A No problem.**

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1 Q You have talked to Charlie Bohl. Right?

2 A Yes.

3 Q Tell me about the conversations you had with Mr.

4 Bohl.

5 A He simply left me a message that you wanted to

6 depose me and asked that I call him back and give

7 him some dates.

8 Q Have you ever worked on any cases that involved

9 Mr. Bohl in the past?

10 A I don't recall.

11 Q Before this deposition started we had some, just a

12 discussion or a conversation about depositions.

13 You indicated that you had plenty of deposition

14 experience because of your prior positions. Is

15 that fair to say?

16 A Yes.

17 Q You've been involved with lawsuits before, in your

18 capacity as deputy warden and as warden?

19 A Yes.

20 Q You indicated that all of the jail administrators

21 within your jail administrator group were made

22 aware of the standards of PREA.

23 A Yes.

24 Q Did you also make those jail administrators aware

25 of the training materials that were available,

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1 both the poster and the PowerPoint for training on

2 PREA?

3 A Yes.

4 Q Do you recall whether or not Captain Nargis ever

5 asked for that information from you?

6 A I don't.

7 Q Do you recall whether or not Captain Nargis had

8 any specific inquiry of you of what he should

9 include in his training?

10 A No.

11 Q No, you don't recall or no, he didn't?

12 A I don't recall if he did or not.

13 Q If he did ask you what are the basics I have to

14 teach, would you have told him what the basics

15 were that you have instructed?

16 A Certainly.

17 Q Would you have referred him to the training

18 materials?

19 A Yes.

20 Q Have you ever told someone what the basics they

21 have to teach -- obviously, if Captain Nargis told

22 you or asked you what the basics he would have to

23 train on for PREA, do you know what you would have

24 told him?

25 A As far as staff training, I would have simply

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1 referred him to the standards in the PowerPoint.

2 What I tell everybody with PREA is look at the

3 standards, and at the very minimum make sure the

4 inmates have been informed that they have a

5 reporting mechanism, you have an investigative

6 process and you have staff training. Those are

7 the minimums. People are aware that there's a

8 process. And obviously PREA can be expanded much

9 more than that, but to me that's just the bare

10 minimum.

11 Q Are you saying that the training should just

12 consist of telling people that?

13 A No, not at all.

14 Q Okay.

15 A What I'm saying is, being aware of PREA, if you're

16 going to do nothing else at all, at least inform

17 the inmates that they have the ability to -- they

18 have the right not to be sexually abused and have

19 a reporting mechanism, one. Two, train your staff

20 so they know how to handle it, as far as reporting

21 it. And three, make sure you have an

22 investigative process to clearly vet those

23 complaints.

24 Q So those are the four basic areas?

25 A If they do nothing else, at least do that.

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1 Q All right. Train inmates?

2 A Inmate awareness, I would call it.

3 Q So do you feel it's adequate training to just tell

4 them -- tell staff those four things?

5 A No.

6 Q Would you have referred them and said to take a

7 look at the PowerPoint?

8 A Yes.

9 Q Do you know what -- part of PREA is the safe

10 method to report. Correct?

11 A Yes.

12 Q And that the inmate has to have confidence in the

13 reporting process?

14 A Yes.

15 Q And it's not just telling the jailer who -- the

16 jailer may be the victimizer. Correct?

17 A Correct.

18 Q Do you know what Polk County did to implement a

19 reporting process for inmates?

20 A I do not.

21 Q That again, is outside of your inspections.

22 Correct?

23 A Correct. At this point.

24 Q What do you mean by at this point?

25 A It certainly could become part of our purview in

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1 **the future.**
2 **Q** Who would make that decision, if you know?
3 **A** **It could be the secretary of the department or it**
4 **could be her supervisor.**
5 **Q** Have you gone through training on PREA?
6 **A** **Yes, I have.**
7 **Q** Who provided that training of PREA?
8 **A** **I've been to a number of them. The Department of**
9 **Corrections has a PREA coordinator. For sure I**
10 **would have been to a number of trainings through**
11 **that person. We also through the grant that I**
12 **previously mentioned, we had some trainings that**
13 **were put on, and I believe the PREA -- the**
14 **National PREA Resource Center had part in that,**
15 **took part in that.**
16 **Q** It's not difficult to find out information on
17 PREA, is it?
18 **A** **No.**
19 **Q** It's everywhere.
20 **A** **Correct.**
21 **Q** The PREA -- the statewide PREA coordinator, what's
22 her name? Do you recall?
23 **A** **It just switched. I don't know the name off the**
24 **top of my head. Maryann Morgan is who trained me.**
25 **She was the PREA coordinator at the time.**

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1 **Q** About when did you get the training?
2 **A** **Boy, it's been a couple of years already.**
3 **Q** Have you had annual training since?
4 **A** **No.**
5 **Q** What are some of the methods that you've seen, if
6 you have seen during your inspections of the
7 jails, other than Polk County? What methods, if
8 any, have you seen about PREA reporting? Have you
9 seen the ways that they do it?
10 **A** **As far as an inmate reporting an allegation?**
11 **Q** Yes.
12 **A** **They have their grievance system. Some have a**
13 **regular form, a handwritten form. Some have a**
14 **kiosk, where they can put the complaint on a kiosk**
15 **so they can bypass the officers and go directly to**
16 **the sergeant or captain or whoever. Some have an**
17 **implemented outside reporting, outside the jail**
18 **staff, that could simply be the DA or it could be**
19 **someone else that they have chosen to partner**
20 **with, so that they have an external reporting**
21 **mechanism.**
22 **Q** In the jail administrator group that you work
23 with, is that what you're talking about, within
24 those 17 different facilities or jails that you go
25 to?

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1 **A** **Yes.**
2 **Q** They've implemented those different things that
3 you've actually observed in those jails?
4 **A** **Yes.**
5 **Q** The jail administrator group, it's my
6 understanding that jail administrator's group at
7 some point was looking for references for trainers
8 on PREA, someone to come in and train their staff.
9 Are you aware of that?
10 **A** **Yeah, it's been on the -- do you mean on the Yahoo**
11 **group?**
12 **Q** Yes.
13 **A** **Yeah, it's been on there a number of times.**
14 **Q** When you say it's been on there, do you mean the
15 subject matter --
16 **A** **Yes.**
17 **Q** -- about consultants?
18 **A** **No. Just PREA.**
19 **Q** Specifically toward the training consultants, do
20 you recall any conversations among your jail
21 administrator's group about training consultants?
22 **A** **Two things that I recall. One, is the -- in fact,**
23 **right in this county here, Chippewa County, there**
24 **was a PREA investigator training that was made**
25 **available if anybody wanted to send people. The**

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1 **other thing I believe was on there is they**
2 **discussed what people are doing for PREA training,**
3 **and there's a private contractor called Educor,**
4 **that does online PREA training, that many of the**
5 **jails use.**
6 **Q** E-D-U-C-O-R?
7 **A** **Yes.**
8 **Q** Are you also familiar with Lexipol?
9 **A** **Lexipol, yes.**
10 **Q** What is Lexipol?
11 **A** **Lexipol is a risk management company that offers a**
12 **policy and training service to law enforcement and**
13 **jails.**
14 **Q** Lexipol training units with regard to jails, do
15 they have a PREA section, do you know?
16 **A** **Their training consists of what they consider**
17 **daily training bulletins based on policy. So they**
18 **would give you a scenario and give you the policy**
19 **rule and walk through that scenario and make you**
20 **make a decision and answer a test question on that**
21 **particular policy. That's what their training**
22 **consists of. It's not necessarily a full training**
23 **on topics like PowerPoint.**
24 **Q** Okay. Those units for Lexipol -- is Educor
25 different?

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1 **A Yes.**
2 **Q** What does Educor do?
3 **A Educor, it's an online training that walks you**
4 **right through PREA 101, and then you have a little**
5 **test and it records it, it gives you the date on**
6 **who took it. I believe it's based right out of**
7 **Hudson.**
8 **Q** It's convenient for me, but not most.
9 **A Right. It's online.**
10 **Q** Have you ever testified as an expert witness?
11 **A Yes.**
12 **Q** Tell me about that.
13 **A Multiple times for use of force for the Department**
14 **of Justice, prison cases. Also, as a consultant.**
15 **All I've really had to do is been deposed. I**
16 **didn't have to go to federal court on those.**
17 **Q** Have you ever testified as an expert witness on
18 PREA or PREA standards?
19 **A No.**
20 **Q** Do you feel you're qualified as an expert witness
21 on PREA or PREA standards?
22 **A No.**
23 **Q** Would it be fair to say that in the discussion
24 group of the jail administrators, that at some
25 point those jail administrators were in a tizzy
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1 about PREA?
2 **A I would say there's been a lot of questions and**
3 **frustration about it as it rolled out. When it**
4 **first came out people didn't necessarily**
5 **understand what to do, where to go. So there's**
6 **been some frustration with it.**
7 **Q** Did you point them, in your role as a detention
8 facility specialist, in the direction of resources
9 that they could use?
10 **A Yes.**
11 **Q** Would that be something that you would do
12 routinely?
13 **A Yes.**
14 **Q** If someone asked, what do I have to train on PREA,
15 would you point them to the training materials?
16 **A Yes.**
17 **Q** Would you expect them to just rely on what you
18 told them on the four elements and say, these are
19 the four elements of PREA?
20 MR. CRANLEY: I object to the form.
21 THE WITNESS: It's completely up to them at
22 this point. Again, some jails have done nothing
23 at all, they haven't even acknowledged it. Some
24 have done the basics and some are full-fledged
25 trying to implement every single standard. I
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1 don't think anybody in this region has gone to the
2 point of getting an audit, because of the cost.
3 That's one of the troubling components of PREA for
4 the jails is requiring that audit.
5 BY MR. WEIDNER:
6 **Q** But it doesn't really cost much to tell somebody
7 about PREA or put up a poster?
8 **A No. It's free.**
9 **Q** You give them the posters. Right?
10 **A Correct.**
11 **Q** And when you see a jail that doesn't do anything,
12 do you make suggestions to those jail
13 administrators that they may do more?
14 **A Well, I have told everybody in our jail**
15 **administrators group not to ignore PREA, to take a**
16 **look at the standards and implement what makes**
17 **sense for them.**
18 **Q** When you say what makes sense for them, what do
19 you mean by that?
20 **A Some of the standards -- facility-wise, they may**
21 **not simply be able to meet because of the way the**
22 **facility is designed or the staffing is provided.**
23 **Some of the standards were troubling to the jail**
24 **administrators and they simply -- a couple of**
25 **them, they simply were not going to acknowledge.**
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1 **They made that clear.**
2 **Q** Was Polk County one of those places that made it
3 clear that they were not going to acknowledge
4 PREA?
5 **A I don't recall him specifically saying that.**
6 **Q** Did he ever discuss the difficulties he may have
7 with PREA compliance with you, he meaning Captain
8 Nargis?
9 **A I don't recall any specific conversation with him.**
10 **Q** In the brief time that I had to review the reports
11 prior to this deposition, I noted in several
12 reports you indicate that supervision, they needed
13 increased supervision in their jail. Is that
14 correct?
15 **A Yes.**
16 **Q** And you're not looking at anything. I'm actually
17 looking at it, but do you recall that being an
18 issue with the Polk County Jail?
19 **A Yes. Ongoing.**
20 **Q** Explain to me, if you would, what you mean by
21 ongoing, and I think you used the word concern in
22 your report, remains to be a concern, supervision
23 does. Can you explain to me what you mean by
24 that?
25 **A First, again, it's standards -- excuse me.**
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1 **Staffing is not mandated by the Department of**
 2 **Corrections. We also make recommendations for**
 3 **best practices and things we feel -- its best**
 4 **correctional practices and be basically liability**
 5 **mitigation. That being the jails that nowadays we**
 6 **recommend a supervisor be on duty at all times.**

7 **Q** And why is that?

8 **A** **It's a very high liability area. Although, you**
 9 **like your employees to do what they are supposed**
 10 **to do, there's a lot of things that take place in**
 11 **jails that quite frankly you want to have a**
 12 **supervisor around. If they're intoxicated or**
 13 **suicidal, the gamut. They have to make a lot of**
 14 **decisions and it's best to have a supervisor**
 15 **on-site at all times.**

16 **Q** In one of the issues here, you actually give
 17 credit in one of your inspection reports to
 18 Captain Nargis. Is that right? Do you recall
 19 that? Indicating that he's increasing
 20 professionalism?

21 **A** **Yes.**

22 **Q** The statement is that the sheriff's -- the
 23 Department of Administration, in particular
 24 Captain Scott Nargis, should be commended for his
 25 ongoing efforts to improve and professionalize

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1 jail operations.

2 **A** **Yes.**

3 **Q** Why did you write that?

4 **A** **At the beginning of the inspection there should be**
 5 **some operational changes and improvements that**
 6 **were made.**

7 **Q** Are you talking about the front page of these
 8 reports?

9 **A** **Yeah, if you look at the inspections.**

10 **Q** What it is -- this is the only copy I have. This
 11 is the June 1, 2015 report. Correct?

12 **A** **Normally I would have a list of changes that were**
 13 **made to the jail. It looks like he didn't provide**
 14 **any there at this one. Typically what that**
 15 **references is the operational changes.**

16 **Q** All right.

17 **A** **I see I don't have any listed on that**
 18 **particular -- I'm looking for comments that were**
 19 **made within the document. I don't see what that**
 20 **references to, other than a general statement**
 21 **about some of the things that they were doing up**
 22 **there, as far as -- I know that they do quite a**
 23 **bit of searching. They have what they call an**
 24 **audit calendar. Actually, these have been used as**
 25 **an example for a lot of the other jails, this**

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1 **audit calendar process. It's one of those things**
 2 **that NIC recommends.**

3 **Q** What's an audit calendar process?

4 **A** **What it is is basically, he develops a calendar,**
 5 **when your policies and procedures dictate things**
 6 **be done, whether it would be daily, monthly or**
 7 **annually, it's a checks and balances to make sure**
 8 **that's being doing. And you can assign tasks and**
 9 **assignments to certain people to take a look at**
 10 **those things. He's kind of -- I'm not sure if he**
 11 **still as of today is doing that, but at one point**
 12 **he had developed that pretty in depth and it was**
 13 **pretty impressive. We used it as a model for**
 14 **other jails.**

15 **Q** You don't use his PREA reporting process as a
 16 model for anything, do you?

17 **A** **We do not.**

18 **Q** Do you use this case as an example of what not to
 19 do in any of your training?

20 **A** **This case?**

21 **Q** This case in Polk County of the officer having
 22 sexually molested, I believe to be five different
 23 victims?

24 **A** **Actually, I know very little about the case. It's**
 25 **really not been discussed. We've offered to take**

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1 **an after action look at it, but it's never been**
 2 **brought to us to take a look at it.**

3 **Q** All right. And there may be many different
 4 reasons for that.

5 **A** **I'm assuming because it's in litigation.**

6 **Q** So one of the questions that I have is, when you
 7 go and suggest changes in the jail, who do you
 8 suggest those changes to?

9 **A** **Well, the inspection reports goes to the sheriff.**
 10 **It's addressed to the sheriff and it's always**
 11 **copied to the jail administrator. So I would say**
 12 **both of them.**

13 **Q** Do you ever send it to county commissioners?

14 **A** **I do not. We can. We have the ability to.**

15 **Q** Have you ever been requested in Polk County to
 16 send any of your jail records to the county
 17 commissioners?

18 **A** **No.**

19 **Q** Do you discuss policy changes with any of the
 20 county commissioners?

21 **A** **At Polk County?**

22 **Q** At Polk County.

23 **A** **No.**

24 **Q** Do you at other counties?

25 **A** **I have been invited to county board meetings at**

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1 **other counties to discuss jail operations. Yes.**
 2 **Q** What counties are those? Is Eau Claire County one
 3 of those?
 4 **A** **Specifically a county board meeting, no.**
 5 **Construction committee, yes, for Eau Claire**
 6 **County. County board, Law Enforcement Committee,**
 7 **Chippewa County, Pierce County. Those are some**
 8 **that I can think of off the top of my head.**
 9 **Q** Does it vary by county, the involvement?
 10 **A** **Yes.**
 11 **Q** And have you ever sent these reports, your jail
 12 inspection reports, to the county commissioner in
 13 Polk County?
 14 **A** **No.**
 15 **Q** So the people that you rely on to report to from
 16 your jail inspection, are the sheriff and the jail
 17 administrator?
 18 **A** **Yes.**
 19 **Q** You had talked earlier, and I apologize, I jump
 20 around a little bit and it drives some people
 21 nuts. You talked earlier about inmate
 22 manipulation.
 23 **A** **Yes.**
 24 **Q** Now, inmate manipulation has to do with the
 25 communication with inmates that inmates may use to

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1 manipulate guards. Correct?
 2 **A** **Yes.**
 3 **Q** Do you ever have any trainings about sort of dark
 4 humor regarding inmates or maintaining a level of
 5 professionalism amongst guards and communicating
 6 respectfully about inmates?
 7 **A** **That would be part of that. That would be part of**
 8 **that training and it would be part of supervising**
 9 **inmate training through the jail academy.**
 10 **Q** Is that important?
 11 **A** **Absolutely.**
 12 **Q** Why?
 13 **A** **It's a profession. We expect to be professionals,**
 14 **regardless if the inmates are or not, we're**
 15 **professional.**
 16 **Q** So you don't have, in your capacity as a detention
 17 facility specialist, correct? You don't have the
 18 ability to enforce staffing requirements. Is that
 19 fair to say?
 20 **A** **Correct.**
 21 **Q** You merely make suggestions?
 22 **A** **Yes.**
 23 **Q** Is that the same thing for -- well, you don't do
 24 anything with PREA. Correct?
 25 **A** **Correct.**

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1 **Q** What areas do you enforce?
 2 **A** **Well, the administrative code, so the checklist**
 3 **that are on those inspections, those are mandatory**
 4 **for them to comply with.**
 5 **Q** All right. And that's the 24 pages?
 6 **A** **Yes.**
 7 **Q** Or so?
 8 **A** **Yes.**
 9 **Q** And that's attached to each one of your initial
 10 reports?
 11 **A** **Yes.**
 12 **Q** I had asked Captain Nargis some questions
 13 regarding the PREA -- he had an email he sent out
 14 that said there were four issues with PREA, four
 15 statements in summary of what he believed his
 16 training was, and he indicated that he got that
 17 information from you. Are you aware of that?
 18 **A** **No.**
 19 **Q** And he indicates on page 44 of his deposition,
 20 line 17, for those following along, that he
 21 touched on the basics that were required as
 22 presented to me by the jail inspector, was my
 23 plan. And he identified you as the jail
 24 inspector. Did you know that?
 25 **A** **No.**

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1 **Q** Did you know that he was relying on you for the
 2 basics of PREA training?
 3 **A** **No. The only thing I can relate that to is if**
 4 **there was discussion about those four very basic**
 5 **topics that would have taken place at the jail**
 6 **administrator meeting, if that's what he's**
 7 **referencing.**
 8 **Q** He doesn't know where he got that, but he believes
 9 he got that from you, but not in writing.
 10 **A** **Okay.**
 11 **Q** And he doesn't have any notes that relate to it
 12 either. So did you provide him anything in
 13 writing?
 14 **A** **I don't recall if I've ever emailed him anything**
 15 **on PREA, but he's certainly been sent things from**
 16 **us.**
 17 **Q** More than just those four points that you
 18 indicated in our conversation here today?
 19 **A** **Yes, as far as reference to the PREA resource**
 20 **center and to the trainings, where those are**
 21 **available at.**
 22 **Q** You indicated that you had worked at, is it
 23 Taycheedah?
 24 **A** **Yes.**
 25 **Q** And Taycheedah is a female prison?

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1 **A Yes.**
2 **Q** Have you worked at any other female facilities?
3 **A No.**
4 **Q** Are female inmates treated differently than male
5 inmates?
6 **A Somewhat.**
7 **Q** Are there different methods to handle the
8 supervision as a correctional officer of female
9 inmates as opposed to male inmates?
10 **A I think the methods are generally the same. They**
11 **just have different needs and different -- just a**
12 **different persona.**
13 **Q** What do you mean by that?
14 **A For the females in the prison setting, at least**
15 **there being close other females in a tight-knit**
16 **group or couples, it was very important to them,**
17 **so we have a lot of breakups of small groups or**
18 **couples. It was constantly trying to manage those**
19 **relationships with the females. And they have**
20 **certainly a different set of health needs, too.**
21 **Obviously different from the males.**
22 **Q** Are there different privacy needs we regard to
23 female inmates?
24 **A Yes and no. I would say yes, because it could be**
25 **more sensitive and no, because it's expected**
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1 **regardless. I mean, if you're a female officer**
2 **observing a male inmates there are some privacy**
3 **expectations as well. A male officer --**
4 **regardless, nowadays the same sex, you certainly**
5 **have to have some level of professionalism.**
6 **That's their house. That's their cell. For**
7 **example, naked in their cell you can certainly**
8 **tell them, get dressed and move on. You don't**
9 **continue to sit there and do stare downs. Like I**
10 **said, it's a yes and no question.**
11 **Q** I've never heard it said that that's their house.
12 I never understood that. Correctional officers
13 are in charge of everything they do then. Is that
14 right?
15 **A Yes.**
16 **Q** They're in control of everything, when they, where
17 they are in a facility and when they eat in a
18 facility. Is that correct?
19 **A Yes. What I meant by their house is, they don't**
20 **have a choice but to change their clothes in there**
21 **and go to the bathroom in there. They don't have**
22 **a choice that people are going to walk by their**
23 **cell and look at their cell.**
24 **Q** They have no control over their setting?
25 **A Yes.**

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1 **Q** Just themselves?
2 **A Yes.**
3 **Q** If you had seen any unprofessional behaviors by
4 the Polk County Jail during your inspections,
5 would you have reported it?
6 **A I would have brought it to the attention of the**
7 **jail administrator.**
8 **Q** And do you recall any offhand that you did
9 observe?
10 **A No.**
11 **Q** And it's expected that a fellow officer would
12 bring to the attention of their superior
13 unprofessional conduct within the jail. Is that
14 correct?
15 **A Yes.**
16 **Q** Because it is a profession?
17 **A Yes.**
18 **Q** And it would be expected to maintain that high
19 level of professionalism?
20 **A Yes.**
21 MR. WEIDNER: I have no further questions.

EXAMINATION

22
23
24
25 BY MR. CRANLEY:
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1 **Q** My name is Paul Cranley and I represent Polk
2 County. I have a few questions.
3 You brought with you today jail inspection
4 reports from 2009 through 2016. Correct?
5 **A Yes.**
6 **Q** And in each and every one of those reports, is it
7 true that Polk County was found to be in
8 substantial compliance with the Wisconsin
9 Administrative Code and Wisconsin Statutory
10 Requirements?
11 **A Yes.**
12 **Q** You had how many jails in your geographic region?
13 **A Seventeen.**
14 **Q** Would you classify Polk County as one of the
15 better run jails in your area?
16 **A Generally, yes.**
17 **Q** In your reports, Counsel mentioned a statement you
18 made in one of those reports, it was 2015, that
19 the Sheriff's Department Administration and in
20 particular Captain Scott Nargis are to be
21 commended for efforts to improve and
22 professionalize jail operations. Do you remember
23 that?
24 **A Yes.**
25 **Q** If you put that in a report, that's because you

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1 saw something in your jail inspection that merited
 2 that sort of a comment. Correct?
 3 **A Yes.**
 4 **Q** That's not something you put in, in everybody's
 5 report?
 6 **A No.**
 7 **Q** So each and every time that shows up in one of
 8 these reports, it indicates that you saw something
 9 to support that in your inspection?
 10 **A Yes.**
 11 **Q** Part of your inspection process involves review of
 12 the jails' policies. Correct?
 13 **A Yes.**
 14 **Q** And in each of these inspections that are
 15 documented in these reports that you provided,
 16 Polk County was found, with respect to its jail
 17 policies, to be in compliance with the Wisconsin
 18 Administrative Code and the Statutory
 19 Requirements. True?
 20 **A Yes.**
 21 **Q** If there was any area in which you found a jail
 22 policy to be out of compliance, that would be
 23 noted in your report. Correct?
 24 **A Yes.**
 25 **Q** Are you aware that Polk County has a policy
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1 stating that guards of either sex will supervise
 2 inmates regardless of their gender?
 3 **A Yes.**
 4 **Q** In other words, male guards will supervise female
 5 guards and vice-versa. Correct?
 6 **A Yes.**
 7 **Q** I just want to make sure you understand my
 8 question.
 9 **A Yes.**
 10 **Q** And that policy is in compliance with Wisconsin
 11 Administrative Code and Statutory Requirements.
 12 Right?
 13 **A Yes.**
 14 **Q** DOC 350.18 requires that inspections be performed
 15 of jail cells at staggered intervals. Are you
 16 familiar with that provision?
 17 **A Yes.**
 18 **Q** And my question --
 19 **A It's not for cells. It's wellness checks, are you**
 20 **talking about?**
 21 **Q** Let me see if I can find it.
 22 **A Wellbeing checks.**
 23 **Q** Okay. Is that when a jail official actually
 24 enters into the cell?
 25 **A No.**
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1 **Q** Okay. It requires a jail official to actually
 2 view the inmate. Correct?
 3 **A Yes.**
 4 **Q** Why are those performed at staggered intervals?
 5 **A So they can't be predicted.**
 6 **Q** Because you don't want an inmate to know that the
 7 jail officer will be coming at a certain time that
 8 they could predict?
 9 **A Yes.**
 10 **Q** Would you agree it would be counterproductive to
 11 that staggering policy to have the jail officer
 12 announce that he or she is about to enter the area
 13 to perform that check?
 14 **A I have to agree with that. I understand that**
 15 **contradicts PREA standard.**
 16 **Q** So that might be a standard that a jail may choose
 17 not to implement, as an example, because it would
 18 be in conflict with the requirements of Wisconsin
 19 Administrative Code?
 20 **A I don't know if it's in conflict with the code,**
 21 **but it creates some security problems for the**
 22 **jail. We have told them that there are other ways**
 23 **to ensure that they could try to meet that**
 24 **standard.**
 25 **Q** Other ways to meet the PREA standard, do you mean?
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1 **A Yes.**
 2 **Q** What other ways?
 3 **A To notify inmates, either in the handbook or**
 4 **possibly at the beginning of the shift, that they**
 5 **will be supervised by both male and female staff**
 6 **and conduct themselves accordingly.**
 7 **Q** Do you believe that Polk County provided that sort
 8 of information to its inmates?
 9 **A I don't know.**
 10 **Q** You talked about the basics of PREA that county
 11 jails should train on and there were four of those
 12 basics that you identified. Right?
 13 **A Yes.**
 14 **Q** Again, that would be considered a best practice
 15 with regard to PREA for a county jail to instruct
 16 on those four things?
 17 **A It would be a minimum recommendation. Yes.**
 18 **Q** Not a requirement, but a recommendation?
 19 **A Yes.**
 20 **Q** You were referred to the section of the -- or the
 21 page of the Inmate Handbook, which is Exhibit 15,
 22 that you identified as a PREA notice at the
 23 bottom. Correct?
 24 **A Yes.**
 25 **Q** Indicating that inmates are made aware that they
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1 are entitled to be free from sexual abuse, et
 2 cetera. Correct?
 3 **A Yes.**
 4 **Q** So at Polk County Jail anyway, one of those
 5 basics, making inmates aware of PREA and the right
 6 to be free from sexual assault, that was met by
 7 Polk County. True?
 8 **A Yes, minimally.**
 9 **Q** Wisconsin Administrative Code requires that the
 10 county jail have a grievance process. Is that
 11 correct?
 12 **A Yes.**
 13 **Q** And Polk County met that requirement as well.
 14 Correct?
 15 **A Yes.**
 16 MR. WEIDNER: I'll object to the opinion
 17 testimony on foundation.
 18 BY MR. CRANLEY:
 19 **Q** If Polk County did not meet the requirement of
 20 having a grievance process, as required by
 21 Wisconsin Administrative Code, that's something
 22 that you would have identified in your reports.
 23 True?
 24 **A Yes.**
 25 **Q** And that grievance process is on the same page as
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1 the PREA requirement that we talked about a moment
 2 ago, Exhibit 15. Do you see that?
 3 **A Yes.**
 4 **Q** And this is a process that they use that complies
 5 with Wisconsin Administrative Code. Correct?
 6 **A Yes.**
 7 **Q** And this would provide a reporting mechanism for
 8 individuals who may have experienced improper
 9 sexual advances or assault or whatever from a jail
 10 official. Correct?
 11 **A Can you repeat that?**
 12 **Q** This provides a reporting mechanism for inmates if
 13 they're involved in some sort of sexual abuse
 14 situation?
 15 **A Yes.**
 16 **Q** Are you aware of Captain Nargis's training program
 17 or -- strike that.
 18 Are you aware of the types of training that
 19 were provided to Polk County Jail officials and
 20 employees? Is that something you would look at as
 21 part of your investigations?
 22 **A He does provide me annually a list of training**
 23 **topics. I can't recite those off the top of my**
 24 **head without looking at what he provided.**
 25 **Q** Have you been satisfied that the training provided
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1 at Polk County Jail, with regard to issues related
 2 to PREA, was satisfactory?
 3 **A PREA training is not something that we oversee in**
 4 **350, so was not one of the topics that I was**
 5 **looking at.**
 6 **Q** So you've never looked at that training program or
 7 the information he provided you about the training
 8 he provides and said, suggested that he should
 9 provide additional training regarding PREA?
 10 **A Not that I recall.**
 11 **Q** The training programs that Polk County provides,
 12 you at least determined over the course of your
 13 investigations, meets the requirements of
 14 Wisconsin law?
 15 **A Yes.**
 16 **Q** And would you -- do you have any problems with the
 17 investigative processes that Polk County has in
 18 place for complaints or issues raised by inmates?
 19 **A Not that I'm aware of.**
 20 **Q** So the information you have, we just kind of went
 21 through, would indicate that Polk County had
 22 implemented at least those four basics of PREA
 23 that you recommended?
 24 **A Off the top of my head I don't know if they have**
 25 **done staff training. I haven't confirmed that.**
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1 **Q** On PREA in particular?
 2 **A Yeah.**
 3 **Q** But if they have, then you would agree that meets
 4 that requirement minimally?
 5 **A Yes.**
 6 MR. WEIDNER: Same objection. Opinion of
 7 evidence.
 8 BY MR. CRANLEY:
 9 **Q** You said the Department of Corrections provides
 10 training sessions and training materials on PREA.
 11 Does the Department of Corrections provide
 12 training and training materials on other areas
 13 relevant to the corrections facilities?
 14 **A We have, yes.**
 15 **Q** Are there other PowerPoints regarding other topics
 16 in addition to PREA that jails would have access
 17 to through the Department of Corrections?
 18 **A Yes.**
 19 **Q** Are there other materials, pamphlets, brochures,
 20 whatever kind of materials you have that are
 21 available on issues, aside from PREA, like suicide
 22 prevention or inmate manipulation or any other
 23 topics?
 24 **A Yes, there have been.**
 25 **Q** So there's a variety of training materials
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1 available and PREA is one of those areas.
 2 Correct?
 3 **A Yes.**
 4 **Q** Does the Department of Corrections provide posters
 5 on anything besides PREA?
 6 **A Not that I recall.**
 7 **Q** At Taycheedah did male guards supervise female
 8 inmates?
 9 **A Yes.**
 10 **Q** Were male guards able to observe or see if they
 11 chose to, female inmates while they changed
 12 clothes?
 13 **A Yes.**
 14 **Q** You mentioned a guard might see -- a male guard
 15 may see a female inmate naked, because she's
 16 changing her clothes or whatever and advised to
 17 put your clothes on, as a sense of
 18 professionalism?
 19 **A Yes.**
 20 **Q** There's nothing about that situation, a guard
 21 being able to see the inmate changing clothes that
 22 is in violation of any Wisconsin Administrative
 23 Standards or Statutory Requirements, is there?
 24 **A No, not that I'm aware of.**
 25 **Q** At Taycheedah could a male officer see a female
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1 inmate while she's using the toilet?
 2 **A Yes.**
 3 **Q** How about the shower?
 4 **A Possible. Yes.**
 5 **Q** Female inmates, at least at Taycheedah, didn't
 6 have an expectation of privacy from male
 7 correction officers with respect to changing
 8 clothes or using the toilet. Correct?
 9 **A Very limited.**
 10 **Q** And that's true of a county jail as well?
 11 **A Yes.**
 12 **Q** Nothing about that violates Wisconsin Statutory or
 13 Administrative Law?
 14 **A No.**
 15 **Q** The notice that we talked about regarding the PREA
 16 language that's in the Inmate Handbook, there's
 17 nothing that requires Polk County to put that into
 18 their handbook, is there? I'm sorry. Nothing in
 19 Wisconsin Administrative Code or Statutory
 20 Requirement that requires them to put that PREA
 21 language in there?
 22 **A No.**
 23 **Q** So they do that voluntarily?
 24 **A Yes.**
 25 MR. CRANLEY: Those are all my questions.
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1 Thank you.
 2 Does anybody on the phone have a question?
 3 MS. LUBINSKY: This is Lori. I have no
 4 questions.
 5 MR. DE VRIES: Can you hear me?
 6 MR. CRANLEY: Yes.
 7 MR. DE VRIES: I have no questions either.
 8 MR. WEIDNER: I have several.
 9
 10 EXAMINATION
 11
 12
 13 BY MR. WEIDNER:
 14 **Q** You are not a PREA expert. Correct?
 15 **A Correct.**
 16 **Q** Do you know how many -- what are the minimum ways
 17 for reporting for an inmate on a grievance that is
 18 suggested in PREA?
 19 **A I do not.**
 20 **Q** They suggest two ways to report a grievance, does
 21 that make sense?
 22 MR. CRANLEY: I object to the form.
 23 Foundation.
 24 THE WITNESS: You're talking about a sexual
 25 complaint?
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1 BY MR. WEIDNER:
 2 **Q** Yes.
 3 **A Yes.**
 4 **Q** So even though that might have -- I think you said
 5 that met some requirement or a basic minimum of
 6 whatever language of the grievance policy there
 7 was with regard to PREA, you're not a PREA expert.
 8 Correct?
 9 **A Correct. What I said was met the Wisconsin Code.**
 10 **Q** All right. But you're not making any opinions
 11 here on whether or not the training was adequate
 12 for PREA. Correct?
 13 **A Correct.**
 14 **Q** The reporting process is adequate for PREA.
 15 Correct?
 16 **A Correct.**
 17 **Q** The language in that handbook is adequate for
 18 PREA. Correct?
 19 **A Correct.**
 20 **Q** Are all inmates literate?
 21 **A No.**
 22 **Q** A lot of inmates can't even read what's in that
 23 handbook. Correct?
 24 **A Correct.**
 25 **Q** Do you know if there's any process at in-take at
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1 the Polk County Jail that goes over an inmate's
 2 rights orally if they can't read?
 3 **A I don't recall if they have anything specific**
 4 **there or not.**
 5 **Q** Is that required by Wisconsin State Standards?
 6 **A No.**
 7 **Q** With regard to the professionalism, as noted, what
 8 Captain Nargis is doing, you know that Captain
 9 Nargis -- that has to reference some programs he's
 10 putting in place. Correct?
 11 **A Yes.**
 12 **Q** Your accommodations of sorts?
 13 **A Yes.**
 14 **Q** And when you commended him for what he's doing
 15 with that department, that doesn't include his own
 16 personal behaviors. Correct?
 17 **A It would include some of his management.**
 18 **Q** His management skills or his management programs?
 19 **A Yes.**
 20 **Q** Do you know that he's testified at some point that
 21 he's participated in, and I'm looking at Captain
 22 Nargis's deposition taken this year, page 87, that
 23 he wouldn't tolerate conversations such as an
 24 inmate has a nice butt or an inmate has a nice
 25 body, he wouldn't be part of that. But he does

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1 participate in and allow them to discuss amongst
 2 each other, meaning the correctional officers,
 3 that here's a mug shot of an inmate who has two
 4 black eyes, damn that's messed up or that person
 5 fell off the tree or that person fell out of the
 6 ugly tree and hit every branch on the way down in
 7 that condition. I do participate and allow staff
 8 to make comments about each other. They
 9 participate in that, that's not very professional,
 10 is it?
 11 MR. CRANLEY: I object to the form.
 12 THE WITNESS: Not in my opinion.
 13 BY MR. WEIDNER:
 14 **Q** So when you make a comment about what Captain
 15 Nargis does in the organizational aspect in your
 16 reports, I think it was the 2015, you're not
 17 talking about his individual behavior on his job.
 18 Correct?
 19 **A What I was referring to was some of the things**
 20 **that he's done to keep that jail in compliance.**
 21 MR. WEIDNER: Thank you. I have no further
 22 questions.
 23 MR. CRANLEY: Nothing further for me.
 24 (The deposition was concluded at 2:35 p.m.)
 25

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1 STATE OF MINNESOTA)
 2 COUNTY OF HENNEPIN)
 3
 4 Be it known that I took the foregoing deposition
 5 of Brad Hompe;
 6 That I was then and there a notary public in
 7 and for the County of Hennepin, State of Minnesota;
 8 That by virtue thereof, I was duly authorized
 9 to administer an oath;
 10 That the witness was by me first duly sworn
 11 to testify the truth, the whole truth and nothing but the
 12 truth concerning the matter in controversy aforesaid;
 13 That the foregoing transcript is a true and
 14 correct transcript of my stenographic notes in said
 15 matter;
 16 That the reading and signing of the
 17 deposition by the witness was waived;
 18 That I am not related to or an employee of
 19 any of the parties hereto, nor a relative nor
 20 employee of any attorney or counsel employed by the
 21 parties hereto, nor interested in the outcome of the
 22 action;
 23 That the cost of the original has been
 24 charged to the party who noticed the deposition, and
 25 that all the parties who ordered copies have been
 charged the same rate for said copies;
 WITNESS MY HAND AND SEAL this 15th day of
 July, 2016.

Jean F. Dillon
 Notary Public, Hennepin County, Minnesota
 My Commission expires January 31, 2020

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